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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,250	04/05/2001	Jurgen Kleinwachter	KLEINWACHTER-3	5288

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[REDACTED] EXAMINER

DIAMOND, ALAN D

ART UNIT	PAPER NUMBER
1753	3

DATE MAILED: 04/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-3

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/827,250	KLEINWACHTER, JURGEN
	Examiner	Art Unit
	Alan Diamond	1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on \_\_\_\_\_.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 13 and 14 is/are allowed.

6) Claim(s) 1-8, 11 and 12 is/are rejected.

7) Claim(s) 9 and 10 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 05 April 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 11 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Palazzetti et al, U.S. Patent 4,280,853.

Palazzetti et al teaches a solar energy conversion unit having four Fresnel lenses (6) (which read on the instant translucent surface), and photovoltaic converter modules (7) which read on the instant energy conduit (see col. 1, line 59 through col. 2, line 66; and Figures 1-3). The Fresnel lenses allow the diffuse component of the solar energy to pass through, so that the use of an installation of the type shown in Figure 3 does not unacceptably reduce the light within the building (see col. 2, lines 45-50). Accordingly, it is the Examiner's position that the portion of light directed by the Fresnel lenses onto the photovoltaic converter modules is the direct light perpendicular to the lenses, not the diffuse light. Since Palazzetti et al teaches the limitations of the instant claims, the reference is deemed to be anticipatory.

In addition, the presently claimed feature that the portion of radiation directed onto the energy conduit is the one that strikes the translucent surface in a direction perpendicular to the translucent surface would obviously have been present once Palazzetti et al's solar energy conversion unit is provided. Note In re Best, 195 USPQ at 433, footnote 4 (CCPA 1977) as to the providing of this rejection under 35 USC 103 in addition to the rejection made above under 35 USC 102.

4. Claim 11 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ebner et al, DE 19614787 A1.

Ebner et al teaches a building air-conditioning system with solar radiation concentrators, which comprises a Fresnel lens (1) (i.e., instant translucent surface) and absorption unit (4) (i.e., instant energy conduit) (see the attached English abstract; and Figure 3). The direct part of the light is focused on the absorption unit (4) and the diffused part is allowed to pass through unfocussed (see the attached English abstract). It is the Examiner's position that the direct light is the light striking the lens in a direction perpendicular to the lens. Since Ebner et al teaches the limitations of the instant claims, the reference is deemed to be anticipatory.

In addition, the presently claimed feature that the portion of radiation directed onto the energy conduit is the one that strikes the translucent surface in a direction perpendicular to the translucent surface would obviously have been present once Ebner et al's building air-conditioning system with solar radiation concentrators is provided. Note In re Best, 195 USPQ at 433, footnote 4 (CCPA 1977) as to the providing of this rejection under 35 USC 103 in addition to the rejection made above under 35 USC 102.

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5. Claims 1-5, 8, 11, and 12 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Johnson, U.S. Patent 4,765,726.

Johnson teaches the tracking, collection, and concentration of direct sunlight, wherein a Fresnel lens (i.e., instant translucent surface) is used that can be scrolled and rotated so as to track the sun (see col. 1, lines 23-31; col. 6, lines 5-61; and Figures 1-3). The concentrated light is directed to a receiver, such as one for photovoltaic generation, i.e. a solar cell as per claim 3; or a thermal reservoir having plumbing or a fluid cooled photovoltaic receiver (i.e., including a fluid line as per claim 4); or a light guide as per claim 5 (see col. 1, lines 23-31; and col. 3, lines 32-41). The Fresnel lens F<sub>1</sub> in Figure 3 reads on the translucent protective surface in claim 8. Since Johnson's device tracks, collects, and concentrates "direct sunlight" (col. 1, line 24), it is the Examiner's position that the Fresnel lens directs only radiation onto said receiver that impinges directly on the lens. Since Johnson teaches the limitations of the instant claims, the reference is deemed to be anticipatory.

In addition, the presently claimed feature of a translucent surface formed so as to direct only radiation on the energy conduit that impinges directly on the translucent surface, would obviously have been present once Johnson's device is provided. Note In re Best, 195 USPQ at 433, footnote 4 (CCPA 1977) as to the providing of this rejection under 35 USC 103 in addition to the rejection made above under 35 USC 102.

***Claim Rejections - 35 USC § 103***

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, U.S. Patent 4,765,726.

Johnson teaches the tracking, collection, and concentration of direct sunlight, wherein a Fresnel lens (i.e., instant translucent surface) is used that can be scrolled and rotated so as to track the sun (see col. 1, lines 23-31; col. 6, lines 5-61; and Figures 1-3). The concentrated light is directed to a receiver, such as a light guide (see col. 1, lines 23-31; and col. 3, lines 32-41). Since Johnson's device tracks, collects, and concentrates "direct sunlight" (col. 1, line 24), it is the Examiner's position that the Fresnel lens directs only radiation onto said receiver that impinges directly on the lens. Johnson teaches the limitations of the instant claims other than the difference which is discussed below.

Johnson does not specifically teach that its light guide is flexible as per claim 6, or that the light guide has entry and exit ends as recited in claim 7. However, these features are convention and well-known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a flexible light guide or a light guide having the entry and exit ends as recited in instant claim 7 because a flexible light guide and a light guide having the entry and exit ends as recited in instant claim 7 are conventional in the art.

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***Allowable Subject Matter***

7. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 13 and 14 are allowed.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. FR 2552211 with an attached English abstracts is hereby made of record. U.S. Patents 4,312,709, 4,313,650, and 4,874,225 are hereby made of record.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Diamond whose telephone number is 703-308-0840. The examiner can normally be reached on Monday through Friday, 6:15 a.m. to 2:45 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on 703-308-3322. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Alan Diamond  
Primary Examiner  
Art Unit 1753

Alan Diamond  
April 9, 2002